

PATENT APPLICATION

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 1795**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Shinji YAMAGUCHI

Group Art Unit: 1795

Application No.: 10/784,303

Examiner: M. MERKLING

Filed: February 24, 2004

Docket No.: 118837

For: CATALYST-CARRIED FILTER, EXHAUST GAS PURIFICATION SYSTEM USING
THE SAME, AND CATALYST BODY

REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the November 24, 2008 Office Action, reconsideration of the application is respectfully requested in light of the following remarks.

Claims 1, 2 and 4 are pending in this application.

The Office Action rejects claims 1 and 2 under 35 U.S.C. §103(a) over WO 00/01463 to Hoj et al. in view of U.S. Patent No. 5,384,110 to Muramatsu et al.; and rejects claim 4 under 35 U.S.C. §103(a) over Hoj and Muramatsu and further in view of EP 1018357 to Loncke. These rejections are respectfully traversed.

The previous Request for Reconsideration asserted that the Office Action fails to establish a reason why one of ordinary skill would combine the porosity intended for a coating of catalyst to a portion that is intended to be free of catalyst.

In response, the present Office Action insists that it is the porosity disclosed in Muramatsu, regardless whether such porosity is related to the coating of a catalyst, that is asserted to be combined with Hoj.

This assertion is unreasonable, because the Office Action fails to review the applied references in their totality. The Office Action is merely picking and choosing features out of context from the applied references with impermissible hindsight, as discussed below.

There is a fundamental difference in the structure of the filter body. As can be taken from the description on page 14, lines 21-28 and page 15, lines 9-13 of Hoj, the use of a conventional type filter body is completely denied therein. That is, as is described on page 14, line 33-page 15, line 4 thereof, the filter body should have contact points which can be only manufactured according to the description of WIPO Pamphlet WO 89/09648 (Example 1 of Hoj). In other words, Hoj denies the suitability of the filter body produced by the method other than the one disclosed in the WO 89/09648.

On the other hand, as is described on paragraphs [0039] - [0044] of the present specification, the filter body to be used can be manufactured without using the specific combination of the materials like Hoj, as is described in WO 89/09648. Indeed, in the present application, in order to attain a favorable penetration of the particulates into inner portions of the cell wall, the employment of the specified average pore diameter in the cell walls is proposed in combination of the advantageous range of the average pore diameter in the fine coating layer, as can be taken from the description of paragraph [0054] of the present specification.

Muramatsu discloses a relative larger average pore diameter in the wall portion with a relatively high porosity, which often results in the weakening of the structural strength of the honeycomb structure. Muramatsu does not pay any attention to the mechanical strength of the honeycomb structure if the honeycomb structure referred to therein is directed to the one

having a relatively long axis in parallel with the gas flow direction. Thus, due to the preference of the specific structure by Hoj, one of ordinary skill would not have had any reason to combine the teachings of Hoj with the teachings of Muramatsu.

Moreover, Hoj clearly suggests the unfavorableness of the conventional honeycomb filter body, as discussed above. In this respect, the honeycomb structure used in examples by Muramatsu et al. should not be the one having a long axis in the direction of the gas flow (see the description of col. 3, lines 26-31 of Muramatsu). Thus, it could not plug alternately in a checkered flag pattern at the end faces. Indeed, Muramatsu does not provide any description as to the formation of the plugging portion. Thus, because of the structural difference in the filter body in the description in Muramatsu compared with the general meaning of the honeycomb structure in the technical field to which the present invention belongs, one of ordinary skill would not have attempted to combine Muramatsu and Hoj.

Additionally, there is no description in Muramatsu suggesting or implying how to remedy the defect of the conventional filter body (not disk like honeycomb structure) pointed out by Hoj. At most, one may interpret that one of the disk like honeycomb structures stacked (laminated) which positions at outlet side of gas flow should have a thinner portion, compared with those positioned at inlet side. See the descriptions on col. 3, lines 29-31 and col. 5, lines 17-23 of Muramatsu. However, the "portion" referred to in Muramatsu is not comparable to the surface of the cell wall in the present application or the one disclosed in Hoj. See also the description on col. 6, line 65-col. 7, line 8 of Muramatsu. Without installing a specific means such as the formation of plugging portion, just immersing a portion of the honeycomb structure can not coat selectively the surface of the cells to be used as inlet or outlet for the gas.

For at least the above reasons, one of ordinary skill would not have had any reason to try and combine Muramatsu with Hoj. Accordingly, withdrawal of the rejection of claims 1, 2 and 4 under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: February 20, 2009

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